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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,901	03/08/2004	Paul Senn	BCGIR-010AX	1538
207 7590 03/17/2008 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109				
EXAMINER KAMPURIA, SHARAD K				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/795,901

Applicant(s)

SENN ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Disposition of the claims

- I. The current office-action is in response to the amendments/remarks filed on 08/31/2007. Accordingly, Claims 1-46 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

- II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-18, 20-35, 37-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dowens; Jac P.** [US 6122354 A] in view of **Hillis; Durrell W.** [US 5303297 A].

As per claim 1, Dowens teaches:

A method (Abstract), comprising

Identifying a monetary account balance associated with a request for a communications event, computing a rate schedule based on the rate plan, and determining duration of the communications event by comparing the rate schedule to the monetary account balance. (Col.2; 41-65)

Dowens fails to teach associating a rate plan with the request, the rate plan being associated with at least two rates, two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor. However, Hillis teaches in an analogous art, that associating a rate plan with the request, the rate plan being associated with at least two rates, two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor. (e.g.; Col.8; 17-21 and 39-49) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dowens including associating a rate plan with the request, the rate plan being associated with at least two rates, two connection rates, each of the at least two connection rates defining the respective relationship between services provided by a communications service provider and the fees retained by the communications service provider in exchange therefor in order to provide one or more individual subscriber units (ISU) of a communication system with realtime information on the cost of the communication service by determining the calling rate based on ISU location and system loading, sending the calling rate

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to one or more of the ISUs, and thereafter connecting or not connecting a call between the ISUs based on a response from the operator of the ISU.

As per claims 3, 11, 20, 37, the above combination teaches all the particulars of the claim except wherein computing a rate schedule includes incorporating at least one of: an initial rate period, at least one fixed fee, available free time, and a cost per second for the communications event. However, Hillis teaches in an analogous art, that a method according to claims 1, 18, 32 wherein computing a rate schedule includes incorporating at least one of: an initial rate period, at least one fixed fee, available free time, and a cost per second for the communications event. (Col.7; 4-28)

As per claims 4, 22, 40, the above combination teaches all the particulars of the claim except wherein the request includes an initiation of a telephone call. However, Hillis teaches in an analogous art, that a method according to claims 1, 18, 32 wherein the request includes an initiation of a telephone call. (Col.3; 39-56)

As per claims 5, 23, 41, the above combination teaches all the particulars of the claim except wherein the request includes an initiation of a cellular telephone call. However, Hillis teaches in an analogous art, that a method according to claims 1, 18, 32 wherein the request includes an initiation of a cellular telephone call. (Col.3; 39-56)

As per claims 6, 42-43, Dowens teaches:

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A method according to claims 1, 32 wherein identifying an account balance associated with the request includes at least one of: receiving an account code from a user, receiving an account code from a recipient, identifying a device receiving the communications event, and identifying a device initiating the communications event. (Col.2; 28-40, Col.4; 34-46)

As per claims 7, 38-39, 44-45 Dowens teaches:

A method according to claims 1, 32 further comprising authorizing completion of the communications event for the determined duration. (Col.3; 40-59)

As per claims 8, Dowens teaches:

A method according to claim 7, wherein authorizing completion of the communications event includes terminating a telephone calls at a switch. (Col.2; 28-40)

As per claims 9, Dowens teaches:

A method according to claim 7, wherein authorizing completion of the communications event includes terminating a cellular telephone calls at a cellular switch. (Col.2; 28-40, Col.4; 34-46)

As per claims 10, 35, Dowens teaches method according to claims 1, 32 wherein comparing the rate schedule to the account balance includes determining a duration of the communications event for which an accrued cost of the communications event is approximately equal to the account balance. (Col.2; 28-40, Col.4; 34-46)

As per claim 12, the above combination teaches all the particulars of the claim except wherein computing a rate schedule includes at least one of: computing endpoints of the communications event, determining a distance of the communications event, considering time of day of the communications event, and, considering day of week of the communications event. However, Hillis teaches in an analogous art, that a method according to claim 1, wherein computing a rate schedule includes at least one of: computing endpoints of the communications event, determining a distance of the communications event, considering time of day of the communications event, and, considering day of week of the communications event. (Col.8; 17-21 and 39-49)

As per claim 13, the above combination teaches all the particulars of the claim except monitoring the communications event for a rate schedule altering event, and computing an updated rate schedule upon determining the occurrence of the rate schedule altering event. However, Hillis teaches in an analogous art, that a method according to claim 1, further comprising, monitoring the communications event for a rate schedule altering event, and computing an updated rate schedule upon determining the occurrence of the rate schedule altering event. (Col.8; 50-64)

As per claim 14, Dowens teaches a method according to claim 13, further comprising, updating the account balance before the rate schedule altering event, and computing an updated duration of the communications event by comparing the updated account balance and the updated rate schedule. (Col.4; 1-14)

As per claims 15, Dowens teaches:

A method according to claim 13, wherein monitoring the communications event includes determining that a number of parties to the communications event has changed. (Col.4; 15-27)

As per claims 16, Dowens teaches:

A method according to claim 15, wherein determining that a number of parties to the communications event has changed, includes determining that a new party is added to the communications event. (Col.4; 15-27)

As per claim 17, the above combination teaches all the particulars of the claim except wherein monitoring the communications event includes determining a change in a communications event distance. However, Hillis teaches in an analogous art, that a method according to claim 13, wherein monitoring the communications event includes determining a change in a communications event distance. (Col.8; 17-21 and 39-49)

Claims 2, 19, 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowens & Hillis further in view of Donovan et al. [US 6075982].

As per claims 2, 19, 36, the above combination teaches all the particulars of the claim except associating a rate plan with the request includes associating at least one of: a connection charge rate and a tax charge rate. However, Donovan teaches in an analogous art, that the method

according to claims 1, 18, 32 wherein associating a rate plan with the request includes associating at least one of: a connection charge rate and a tax charge rate. (Col. 12; 1-5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including associating a rate plan with the request includes associating at least one of: a connection charge rate and a tax charge rate in order to provide a method for setting up a call in a telecommunications network comprising sending transaction capabilities application part messages containing prepaid parameters between a wireless enhanced service platform and a prepaid platform. The prepaid parameters are the information needed to process and bill a debit call, also includes a method for sending transaction capabilities application part messages containing prepaid parameters between a mobile switching center and a prepaid platform.

Claims 18, 32, 46 is the **system, method, computer readable medium** claim corresponding to **method** claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

Response to Amendments & Remarks

III. Applicant's arguments with respect to claims 1-46 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F, (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
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